

# 8



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fernandez *et al.* Art Unit: 1646  
Parent Serial No. 09/843,281  
Parent Filing Date April 25, 2001  
Serial No.: 09/990,091 Examiner: Unassigned  
Filed: November 21, 2001  
Title: METHODS FOR PRODUCING LIBRARIES OF EXPRESSIBLE GENE SEQUENCES

**Box Sequence**  
U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

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**PERMISSION TO USE SEQUENCE LISTING**

Sir:

The above-identified patent application lacks a substitute paper copy of the Sequence Listing for inclusion into the Specification, as well as a computer readable form of the Sequence Listing. Applicants respectfully direct the attention of the Office to the following:

1. A complete paper copy of the Sequence Listing is included in the Specification and is identical to the computer readable copy of the Sequence Listing filed in U.S. Patent Application No. 09/843,281 (the "281 application"), filed April 25, 2001.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <b>February 8, 2002</b> , in an envelope addressed to: U.S. Patent and Trademark Office Box Sequence, P.O. Box 2327, Arlington, VA 22202.	
<b>Mikhail Bayley</b>	
Name of Person Mailing Paper	February 8, 2002
Signature	Date

In re Application of:  
Fernandez *et al.*  
Application Serial No.: 09/990,091  
Filed: November 21, 2001  
Page 2

PATENT  
Attorney Docket No.: INVIT1120-3


2. A computer-readable form in this application is identical with that filed in "281 application", filed April 25, 2001. Pursuant to 37 CFR §1.821(e), please use the last-filed computer-readable form filed in the "281 application" as the computer-readable form for application filed herewith. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for application filed herewith.

I hereby state, as required by 37 C.F.R. § 1.821(g), that the enclosed submission includes no new matter. Applicants submit that the foregoing satisfies the requirements of Rule §1.821. If there are any questions regarding this response, the Office is invited to contact the undersigned.

No fee is deemed necessary in connection with the filing of this paper. However, if any fee is required, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 50-1355.

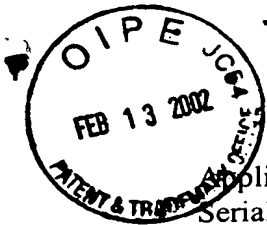
Respectfully submitted,

Date: February 8, 2002

  
Richard J. Imbra  
Reg. No. 37,643  
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USPTO Customer Number: 28213



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PATENT

Attorney Docket No. INVIT1120-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fernandez *et al.* Art Unit: 1646  
Serial No.: 09/990,091 ✓ Examiner: Unassigned  
Filed: November 21, 2001  
Title: METHODS FOR PRODUCING LIBRARIES OF EXPRESSIBLE GENE SEQUENCES

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TRANSMITTAL LETTER

Sir:

Transmitted herewith for the above-identified application please find:

1. Permission to Use Sequence Listing (2 pgs.);
2. Copy of Notice to File Missing Parts of Nonprovisional Application Filed Under 37 C.F.R. 1.53(b) (2 pgs.); and
3. Return Postcard

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <u>February 8, 2002</u> , in an envelope addressed to: U.S. Patent and Trademark Office Box Sequence, P.O. Box 2327, Arlington, VA 22202.	
<b>Mikhail Bayley</b>	
Name of Person Mailing Paper	
<i>Mikhail Bayley</i>	February 8, 2002
Signature	Date


In re Application of:  
Fernández *et al.*  
Application No.: 09/990,091  
Filed: November 21, 2001  
Page 2

PATENT  
Attorney Docket No.: INVIT1120-3

No fee is deemed necessary in connection with the filing of this paper. However, if any fee is required, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 50-1355. A copy of this Transmittal Sheet is enclosed.

Respectfully submitted,

Date: February 8, 2002

  
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UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/990,091	11/21/2001	Joseph M. Fernandez	INVIT1120-3

28213  
GARY CARY WARE & FRIENDENRICH LLP  
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CONFIRMATION NO. 1288

FORMALITIES LETTER



\*OC000000007175542\*

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Date Mailed: 12/10/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$408.
  - \$324 for 18 total claims over 20.
  - \$84 for 1 independent claims over 3.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1278.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

he required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract was not provided for this application. An abstract of the technical disclosure is required under 37 CFR 1.72(b).
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer

readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)**

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*A copy of this notice **MUST** be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE